

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL MORRIS,

Plaintiff,

v.

WISCONSIN DEPARTMENT OF
CORRECTIONS, et al.

Defendants.

ORDER

Case No. 15-cv-564-wmc

Plaintiff Michael Morris has filed a “Motion for Temporary Relief,” in which he (1) seeks leave to file an amended complaint, (2) requests that the Wisconsin Secure Program Facility (“WSPF”) be ordered to grant him a legal loan, and (3) asks for a deadline for him to file a motion for summary judgment. (Dkt. #2.) While Morris may certainly amend his complaint pursuant to Federal Rule of Civil Procedure 15, the court will not grant his remaining requests.

As to his legal loan request, Morris states that he has already received the maximum legal loan amount permitted under Wisconsin law. Morris also represents that he does not have enough money to obtain the requisite paper, copies and postage that proceeding on this lawsuit requires.

At this point, however, an additional legal loan is unnecessary. As an initial matter, it is unclear at best that Morris actually lacks the ability to litigate this case. Morris certainly has not shown that he has been denied access to this court. He does not even suggest that prison staff have denied a request for materials; his only complaint is that he was denied a request for another loan. Given that he filed a 9-page complaint

and his pending motion is three pages long, it appears that either he has adequate supplies or WSPF staff have been providing him the materials he needs to proceed. Finally, as it is now a new year, Morris should have the ability to request a new legal loan for 2016, making it unnecessary for the court to delve into whether Morris should receive additional loans for 2015.

This case is also not far enough along for the court to set a summary judgment deadline. Morris has filed his complaint, but the named defendants have not been served because Morris, as a prisoner, is subject to the provisions of 28 U.S.C. § 1915A. Before named defendants are served with the complaint, under § 1915A the court must review the complaint, identify claims on which plaintiff may proceed, or dismiss the complaint, depending on whether the claims (1) are frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seek monetary relief from a defendant who is immune by law.

If the court permits Morris to proceed on any claims, the defendants will be served with the complaint, and this matter will be set for a preliminary pretrial conference. At that point, the court will set a scheduling order. As Morris seeks to amend his complaint, his claims have not yet been defined by either Morris or the court, and it would be inappropriate for the court to impose a scheduling order at this time.

ORDER

IT IS ORDERED that:

- 1) plaintiff Michael Morris's Motion for Temporary Relief (dkt. #2) is GRANTED in part and DENIED in part as set forth above;

- 2) Morris may file an amended complaint on or before **March 23, 2016**; and
- 3) if Morris does not file an amended complaint by this deadline, the court will conclude that he does not intend to do so and proceed to review his original complaint under 28 U.S.C. § 1915A.

Entered this 2nd day of March, 2016.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge